

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
Richmond Division**

IN RE: STONY POINT LAND, INC.)	
)	
)	Case No. 10-31740-KRH
Debtor.)	Chapter 11
<hr/>)	
)	
SIMONS HAULING COMPANY, INC.)	
)	
Plaintiff,)	
)	
v.)	Case No. 10-03104-KRH
)	Adversary Proceeding
STONY POINT LAND, INC.)	
)	
Defendant.)	

**JOINT MOTION FOR REFERRAL TO SETTLEMENT
CONFERENCE AND REQUEST FOR EXPEDITED HEARING**

Stony Point Land, Inc. (“Stony Point”) and Simons Hauling Company, Inc. (“Simons”), upon agreement and by counsel, pursuant to Rule 7016 of the Federal Rules of Bankruptcy Procedure, Rule 16 of the Federal Rules of Civil Procedure, Local Bankruptcy Rule 9019-1 and Local District Court Civil Rule 83.6, jointly move this Court to enter an Order directing and referring the parties to attend and proceed with a settlement conference to be conducted by a disinterested judge of this Court, and request

David G. Browne (VSB No. 65306)
Meyer, Goergen & Marrs, P.C.
1802 Bayberry Court, Suite 200
Richmond, VA 23226
Telephone: (804) 622-1233
Facsimile: (804) 565-1233
browne@mgm-law.com
Counsel for Simons Hauling Company, Inc.

that the Court hold an expedited hearing on the same, and in support thereof state as follows:

1. Stony Point filed its voluntary petition under Chapter 11 on or about March 12, 2010. Prior to that date, two separate, successive lawsuits had been filed in state court in the Circuit Court for the City of Richmond by Simons. Each of these two lawsuits pertained to the same or similar underlying disputes between Stony Point and Simons arising out of Simons' work as a contractor for Stony Point at a land development project along the James River in the City of Richmond, known as "Riverwatch."

2. Both of these cases filed in state court were removed to this Court on or about June 9, 2010, pursuant to 28 U.S.C. § 1452(a), and remain on the docket as separate matters, though a Consent Order to consolidate these two related cases has been or will be submitted by the parties shortly.

3. The parties and their counsel have indicated to one another their mutual desire and willingness to proceed in good faith to attempt to settle the disputes presented by this adversary proceeding, and accordingly request that it be referred to a judge of the Court for a settlement conference to facilitate these efforts toward settlement.

4. Whereas trial in this matter is currently set for March 14-15, 2011, and the parties have only just agreed to pursue a mediated settlement conference, the parties request an expedited hearing in accordance with Local Rule 9013-1(N) in order to ensure that a settlement conference may be conducted in advance of trial.

WHEREFORE, for the foregoing reasons, Stony Point Land, Inc. and Simons Hauling Co., Inc., by counsel, request that this Court hear this Motion in an expedited manner and thereafter enter an Order directing and referring the parties to attend and

proceed with a pre-trial settlement conference to be conducted by a disinterested judge of this Court, and for such other relief as the Court may deem appropriate.

*****NOTICE OF MOTION*****

Simons Hauling Company, Inc. has filed this Joint Motion for Referral to Settlement Conference.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to grant the relief sought in the motion, or if you want the court to consider your views on the motion, then on or before 3 days prior to the hearing date set forth below, you or your attorney must:

1. File with the court, at the address shown below, a written response and supporting memorandum. If you mail your request for response to the court for filing, you must mail it early enough so the court will **receive** it on or before the date stated above.

Clerk of Court
United States Bankruptcy Court
Eastern District of Virginia
701 E. Broad Street, Suite 4000
Richmond, VA 23219

2. Attend a hearing to be held on the motion on **Monday, February 7, 2011 at 2:00 p.m.** at the above address in Room 5000 (Judge Huennkens). **If no timely response has been filed opposing the relief requested, the court may grant the relief without holding a hearing.**

Pursuant to Local Bankruptcy Rule 9013-1, if no written response to this motion is filed with the Court and served on the moving party at least three (3) days before the scheduled hearing date objecting to the relief requested, the Court may deem any opposition waived, treat the motion as conceded, and issue an order granting the relief requested without further notice or hearing.

Respectfully submitted,

/s/ David G. Browne

David G. Browne (VSB# 65306)
Meyer, Goergen & Marrs, P.C.
7130 Glen Forest Drive, Suite 305
Richmond, VA 23226
Telephone: (804) 288-3600
Facsimile: (804) 288-1990
E-mail: browne@mgm-law.com
Counsel for Strategic Insurance Partners, LLC

CERTIFICATE OF SERVICE

I hereby certify that on this 3rd day of February, 2011, a true and accurate copy of the foregoing Motion to Extend Time and Notice of Motion was delivered electronically via the CM/ECF system to all parties.

/s/ David G. Browne